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TO RUEHNT/AMEMBASSY TASHKENT IMMEDIATE 0603
INFO RUEHAAH/AMEMBASSY ASHGABAT PRIORITY 0903
RUEHTA/AMEMBASSY ASTANA PRIORITY 2131
RUEHEK/AMEMBASSY BISHKEK PRIORITY 4927
RUEHDBU/AMEMBASSY DUSHANBE PRIORITY 0360
RUEHBUL/AMEMBASSY KABUL PRIORITY 9730
RUEHMO/AMEMBASSY MOSCOW PRIORITY 8906
RUEHRA/AMEMBASSY RIGA PRIORITY 1230
RUEHNO/USMISSION USNATO PRIORITY 5847
RUEAIIA/CIA WASHINGTON DC PRIORITY 5112
RHMFIS/JOINT STAFF WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHINGTON DC PRIORITY 2948
RHEFDIA/DIA WASHINGTON DC PRIORITY

UNCLAS SECTION 01 OF 12 STATE 031078

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: MARR NATO PREL UZ

SUBJECT: INSTRUCTIONS TO SIGN TRANSIT ARRANGEMENT WITH THE GOVERNMENT OF UZBEKISTAN

REF: A. STATE 14153
1B. TASHKENT 268
1C. STATE 24316
1D. EMBASSY TASHKENT EMAIL TO SCA/CEN 3/26/2009

11. (SBU) Embassy Tashkent is instructed to deliver the proposed exchange of letters in paragraph 3 to the Government of Uzbekistan. The U.S. Government has agreed to all of the Government of Uzbekistan's proposed changes found in reftel 1C. If the transit arrangement is acceptable to the Government of Uzbekistan, the Ambassador is authorized to sign the first letter of the exchange at paragraph 3. Embassy Tashkent should submit the proposed reply letter in paragraph 3 for the Uzbek Minister of Defense to sign. To complete the exchange of letters, the Government of Uzbekistan should submit the reply letter to the U.S. Embassy.

12. (SBU) Post is further instructed to respond by front channel cable that the exchange of letters has been completed. Please forward the original signed Uzbek letter and certified copy of the signed U.S. Letter to L/T, Daphne Cook, Room 5420, Department of State.

13. (SBU) BEGIN TEXT OF EXCHANGE OF LETTERS

Exchange of Letters establishing an arrangement between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Uzbekistan on procedures for land transit, through the territory of the Republic of Uzbekistan, of cargo assigned for the Armed Forces of the United States of America deployed on the territory of the Islamic Republic of Afghanistan by way of involvement of the State Joint Stock Railway Company "Uzbekiston Temir Yullari" and the State Joint Stock Company engaged in international automobile transport operations "Urta Osiyo Trans".

Dear Minister :

While respecting the sovereignty, territorial integrity and national legislation of the Republic of Uzbekistan,

Taking into consideration the Resolution 1386 (2001) of the UN Security Council adopted by the Security Council on 20 December 2001 on the basis of Chapter VII of the United Nations Charter (reaffirmed in resolution 1833, adopted by the Security Council on 23 September 2008), which calls upon

the states that share borders with the Islamic Republic of Afghanistan and other UN member states to provide, to the International Security Assistance Forces (ISAF), such assistance as may be required,

With the intent of establishing procedures with a view to organizing the transit, through the territory of the Republic of Uzbekistan, of cargo assigned for the units of the Armed Forces of the United States of America deployed on the territory of the Islamic Republic of Afghanistan;

I have the honor to confirm the following exchange of letters between the Ministry of Defense of the Republic of Uzbekistan and the Department of Defense of the United States of America (hereinafter referred to as the "Participants"):

11. For the purpose of this exchange of letters:

"transit" means movement, through the territory of Uzbekistan by way of railway, automobile, or combined (air-railway or air-automobile) transport, from cargo dispatch and destination points which are outside the Republic of Uzbekistan;

"competent authorities" means authorities of the Participants entrusted, in accordance with the laws of the respective Participants, with authority to make decisions on the transit

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of goods in compliance with this exchange of letters;

"authorization" means a document permitting the transit of cargo;

"cargo" means supplied items, except for items listed in the Attachment to this exchange of letters, accepted for transportation, in accordance with the legislation of the Republic of Uzbekistan, by the State Joint Stock Railway Company "Uzbekiston Temir Yullari" and the State Joint Stock Company engaged in international automobile transport operations "Urta Osiyo Trans";

"supplied items" means oil and lubricants, survival equipment, aerodrome technical assets, logistical equipment and materials, maintenance equipment, clothing, provisions, medical supplies and medical equipment, military personnel life support systems, collective and individual weapons of mass destruction (WMD) protection kits, and other non-combat life support goods and supplies;

"SMGS" means the Agreement on International Freight Traffic by Rail, dated 1 November 1951, as amended on 1 July 2008;

"hazardous cargo" means cargo which, because of its inherent characteristics and features in the presence of specific factors, could, during transportation across Uzbekistan in accordance with the legislation of the Republic of Uzbekistan, or during shunting, loading, unloading or storage, cause an explosion, fire, or chemical or other pollution of the environment or damage to railway technical equipment or other railway installations or third persons with possible risk to human health or the environment;

"emergency card" means a document used during an emergency that regulates the actions of railway and automobile company employees, as well as rescue teams responding to the consequences of transport accidents. Form of the document is determined in accordance with the laws of the Republic of Uzbekistan;

"transport accident" means an incident that took place as a result of railway or automobile transportation and which caused injury to human life or health and/or damaged the environment, or the property of physical or legal persons;

"oversize cargo" means cargo the size of which exceeds

loading dimensions indicated in the Technical conditions for loading and strapping, Rules for stowage and strapping of loads in SMGS railway cars and containers, as well as other normative legal acts of the Republic of Uzbekistan depending on the type of transportation mode.

12. Provisions of this exchange of letters are applied in relation to the transit of the cargo through the territory of the Republic of Uzbekistan, which is carried out for the Armed Forces of the United States of America deployed on the territory of Afghanistan.

13. The transit across the territory of the Republic of Uzbekistan of military forces or weapons, ammunition, equipment, and military materials listed in the Annex to this exchange of letters is not authorized.

14. It is the intent of the Participants that transit of the cargo across the territory of the Republic of Uzbekistan within the framework of this exchange of letters is to be conducted upon the basis of commercial agreements (contracts) concluded by expediting companies on behalf of the American Participant with the State Joint Stock Railway Company "Uzbekiston Temir Yullari" and the State Joint Stock Company for International Road Transport "Urta Osiyo Trans" as follows:

(1) Cargos are to be delivered to Navoi International Airport exclusively by aircraft of the civil air companies Uzbekistan Havo Yollari (Uzbekistan Airways) and Korean Air chartered by the American Participant. The further transportation of the cargos to Afghanistan (Khayraton railway station) through the

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border cross railway station Galaba and Ayratomb check-point, is to be conducted exclusively by the rail and road transport provided by SJSRC "Uzbekiston Temir Yullari" or SJSIRT "Urta Osiyo Trans," as appropriate.

The transit of cargo by air from Navoi Airport to Afghanistan is not authorized.

(2) Transit of goods arriving from the territories of Kazakhstan (through the border cross railway stations Keles and Karakalpakiya) and Turkmenistan (through the border cross railway station Khodjadavlet) to Afghanistan (through the border cross railway station Galaba) is to be conducted by the rail transport provided by SJSRC "Uzbekiston Temir Yullari", as appropriate.

15. When conducting transit of goods, the American Participant and the expediting company are to make provision for compliance with the requirements of the Agreement on International Freight Traffic by Rail (SMGS), legislation of the Republic of Uzbekistan as well as other normative acts applied to the railways and roads, including the sanitary-epidemiologic standards, of the Republic of Uzbekistan.

16. Cargo transiting consistent with this exchange of letters is subject to border and customs control and registration in accordance with the legislation of the Republic of Uzbekistan.

17. (1) The transit of cargo is to be performed on the grounds of one-time transit authorization issued by the Ministry of Defense of the Republic of Uzbekistan in accordance with legislation of the Republic of Uzbekistan and as outlined in this exchange of letters. The authorization is to be canceled automatically in case of termination of this exchange of letters. In such case, shipping operations in progress are to be completed in accordance with the issued authorization.

(2) In order to obtain authorization of the transit, mentioned in the Item 1 of this Article the competent authorities of the American Participant are to send the

request through the diplomatic channels to the Ministry of Defense of the Republic of Uzbekistan in Russian or in English language with the Russian translation attached. The request is to include the following information:

a) list of the transit cargo along with specification, country of origin, quantity in accepted measuring units, the Foreign Economic Activity Commodity Nomenclature code, and the purpose of transit;

b) scheduled transit dates and the names of consignor of goods and the authorized expediting company;

c) route, including the points of departure and destination, as well and the check points of the State Border of the Republic of Uzbekistan designated for the carrying out of customs and border procedures;

d) information:

aa) regarding the transit cargo:

dimensions, the weight;

if necessary, center of gravity coordinates;

contact surface characteristics, availability of sliding parts or units for fixing during transportation, cargo tightening and strapping;

drawings of oversized items of the cargo, and ways of transshipment, if necessary;

bb) regarding hazardous cargo:

name of the substance matter or product, number according to the UN list, packing materials information, transport

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emergency card availability;

in case if the substance matter or product are not in the UN list information as per the "Informational Passport to be Provided to the UN for Classification or Reclassification of Substances." (UN recommendations on hazardous cargo transportation);

e) document confirming that hazardous cargo is secured by guarantees in the form of insurance policy, bank guarantee or other indemnity to compensate possible damage to peoples' health or life, the environment or the national security of the Republic of Uzbekistan, while executing this exchange of letters;

f) should information contained in the request require verification, the American Participant is to immediately provide additional requested data required for granting authorization for transit;

g) additionally, the request is to contain information on the type of required freight cars, containers and trucks as well on strapping of the cargo being transported on the open and covered railway rolling stock in case of transshipment activities. While transporting hazardous cargo, the list of available fire-fighting, neutralizing and de-gassing equipment is required as well as the information on precautionary procedures for personal protection of escort/guard staff.

(3) Authorization of the transit granted by the Uzbek Participant is to include:

a) consent of the Uzbek Participant to the transit at the amount and in accordance with cargo nomenclature and specification, as well as with the period of time specified by the Uzbek Participant and conditions of performing the

transit;

- b) instructions on required escort and/or guard of the transported cargo;
- c) the order of regulating other issues related to planning, organization and performing the transportation, in the competence of relevant authorities of the Uzbek Participant.

(4) Should there be no obstacles to conducting the transit, the Ministry of Defense of the Republic of Uzbekistan is to issue and forward the authorization to the American Participant not later than 30 days from the moment the request is received.

¶8. (1) The rolling-stock for transportation of the cargos on the railways and roads of the Republic of Uzbekistan is to be selected in accordance with the legislation of the Republic of Uzbekistan.

(2) The placement of cargo on the rolling-stock, as well as its strapping during the transshipment activities, are to be performed in accordance with the loading and strapping requirements effective on the rail ways of the Republic of Uzbekistan.

(3) Acting on behalf of the American participant, an expediting company is to provide strapping equipment at its own expense unless otherwise agreed to in each specific case.

¶9. (1) In order to proceed along the rail ways of the Republic of Uzbekistan, the cargo transit is to be documented by international rail road waybill in accordance with SMGS.

In order to use the automobile roads of the Republic of Uzbekistan, the cargo transit is to be documented by an international road waybill in accordance with the Convention on the Contract for the International Carriage of Goods by Road dated May 19, 1956, and its Protocol dated July 5, 1978.

(2) The transportation of hazardous cargo is to be performed by the expediting company in accordance with the rules for

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transportation of hazardous cargo established by the legislation of the Republic of Uzbekistan, and SMGS.

Loading and unloading operations processing of transportation documents of materials arriving by air to Navoi International Airport, and transferring by ground to Afghanistan as well as transit of materials proceeding from the territory of Kazakhstan and Turkmenistan to Afghanistan is to be implemented by expediting companies authorized by the American Participant.

¶10. Measures for the prevention and management of traffic accidents related to the transit of materials, as well as determination of the cause, are to be implemented by the competent authorities of the Republic of Uzbekistan within the framework of its competence and with notification to the American Participant.

¶11. Claims for damages arising from shipments by the expediting company that are governed by contracts done within the framework of this exchange of letters are to be adjudicated in accordance with the legislation and regulations of the Republic of Uzbekistan.

¶12. (1) Cost for railway services for transportation of transit export cargo across the territory of the Republic of Uzbekistan is to be established in accordance with rates of the International Railway Transit Tariff (IRTT).

Cost for automobile services for transportation of transit and export cargo across the territory of the Republic of Uzbekistan is to be established by the expediting companies

and companies providing road transport services in the Republic of Uzbekistan.

(2) Cost calculations for the transportation of cargo as well as other services are to be conducted between the expediting company acting on behalf of the American Participant and the State Joint-Stock Railway Company "Uzbekiston Temir Yullari" (rail transit) or State Joint-Stock Company of International Automobile Transport "Urta Osyo Trans" (road transit) consistent with the agreed conditions and the legislation of the Republic of Uzbekistan.

¶13. Uzbek Participant is to take all the required measures on the territory of the Republic of Uzbekistan to ensure safety of cargo transit and is to render assistance in transit in accordance with legislation of the Republic of Uzbekistan.

¶14. The provisions of this exchange of letters shall in no way affect existing agreements to which the Republic of Uzbekistan and the United States of America are parties.

¶15. The Republic of Uzbekistan may support expediting companies acting on behalf of the American Participant in obtaining non-military items/materials on the territory of the Republic of Uzbekistan for the Armed Forces of the United States of America in Afghanistan on agreement (contract) basis in accordance with the legislation of the Republic of Uzbekistan.

¶16. Disputes which may appear as a result of application or interpretation of this exchange of letters are to be solved via consultations and negotiations between the Participants.

¶17. Issues arising from the expediting company's shipment of cargo under this exchange of letters are to be regulated consistent with the legislation of the Republic of Uzbekistan.

¶18. The Participants may modify this exchange of letters through a subsequent exchange of letters.

¶19. In case of force majeure circumstances, each Participant may notify the other Participant in writing that it will no longer consider the arrangement effective as of the date 90 days following the date of the notice.

I have the honor to request that if the foregoing is acceptable to you that your affirmative response constitute

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an arrangement which is to be effective upon date of your response letter and is to remain effective for one year, subject to paragraph 19.

Yours sincerely,

Ambassador Richard Norland

ANNEX

LIST OF WEAPONS, MUNITIONS, EQUIPMENT AND MILITARY GOODS EXCLUDED FROM THE AUTHORIZED COMMERCIAL TRANSIT

The following categories of items, including all their subcategories are prohibited from commercial transit.

360100 000 0 - Gunpowder

360200 000 0 - Military explosives other than gunpowder

360300 - Common fuses, detonating fuses, percussion and detonating caps, primers, electric detonators

3604 - Signal flares, emergency flares, antimist rockets and other pyrotechnic items

8526 - Radar, radio-navigation apparatus and radio devices

for remote control of weapons and equipment and remote command and control of troops

871000 000 0 - Tanks and other self-propelled armored combat vehicles with or without weapons, and spare parts for them

8802 - Aircraft (helicopters and airplanes), spacecraft (including satellites) and suborbital and space carrier vehicles

8906 - Military and rescue vessels, military support vessels other than rowing boats

9013 - Telescopic sights for weapons, periscopes, telescopes manufactured as parts of vehicles or other optical devices usable with weapons if such devices are not mounted on firearms or are not accompanied by the firearms on which they are to be mounted; laser sights usable with weapons if these sights are not mounted on firearms or are not accompanied by the firearms on which they are to be mounted

9301 - Military weapons, except revolvers and pistols and weapons listed under paragraph 9307 of the Foreign Economic Activity Goods Classification

930200 000 0 - Revolvers and pistols apart from those listed under paragraphs 9303 and 9304 of the Foreign Economic Activity Goods Classification

9303 - Firearms and other devices activated by an explosive charge

9305 - Spare parts for items listed under paragraphs 9301-9303

9306 - Bombs, grenades, torpedoes, mines, missiles, and similar combat devices, their parts, cartridges, shells, other munitions and their parts, including small shot and cartridge wadding and cartridges for smooth-bore weapons and their parts.

END TEXT

BEGIN PROPOSED REPLY LETTER:

Exchange of Letters establishing an arrangement between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Uzbekistan on procedures for land transit, through the territory of the Republic of Uzbekistan, of cargo assigned for the Armed Forces of the United States of America deployed on the territory of the Islamic Republic of Afghanistan by way of

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involvement of the State Joint Stock Railway Company "Uzbekiston Temir Yullari" and the State Joint Stock Company engaged in international automobile transport operations "Urta Osiyo Trans".

Dear Ambassador Norland:

I have the honor to confirm the receipt of your Letter dated , 2009 stated as follows:

While respecting the sovereignty, territorial integrity and national legislation of the Republic of Uzbekistan,

Taking into consideration the Resolution 1386 (2001) of the UN Security Council adopted by the Security Council on 20 December 2001 on the basis of Chapter VII of the United Nations Charter (reaffirmed in resolution 1833, adopted by the Security Council on 23 September 2008), which calls upon the states that share borders with the Islamic Republic of Afghanistan and other UN member states to provide, to the International Security Assistance Forces (ISAF), such assistance as may be required,

With the intent of establishing procedures with a view to organizing the transit, through the territory of the Republic of Uzbekistan, of cargo assigned for the units of the Armed Forces of the United States of America deployed on the territory of the Islamic Republic of Afghanistan;

I have the honor to confirm the following exchange of letters between the Ministry of Defense of the Republic of Uzbekistan and the Department of Defense of the United States of America (hereinafter referred to as the "Participants"):

1. For the purpose of this exchange of letters:

"transit" means movement, through the territory of Uzbekistan by way of railway, automobile, or combined (air-railway or air-automobile) transport, from cargo dispatch and destination points which are outside the Republic of Uzbekistan;

"competent authorities" means authorities of the Participants entrusted, in accordance with the laws of the respective Participants, with authority to make decisions on the transit of goods in compliance with this exchange of letters;

"authorization" means a document permitting the transit of cargo;

"cargo" means supplied items, except for items listed in the Attachment to this exchange of letters, accepted for transportation, in accordance with the legislation of the Republic of Uzbekistan, by the State Joint Stock Railway Company "Uzbekiston Temir Yullari" and the State Joint Stock Company engaged in international automobile transport operations "Urta Osiyo Trans";

"supplied items" means oil and lubricants, survival equipment, aerodrome technical assets, logistical equipment and materials, maintenance equipment, clothing, provisions, medical supplies and medical equipment, military personnel life support systems, collective and individual weapons of mass destruction (WMD) protection kits, and other non-combat life support goods and supplies;

"SMGS" means the Agreement on International Freight Traffic by Rail, dated 1 November 1951, as amended on 1 July 2008;

"hazardous cargo" means cargo which, because of its inherent characteristics and features in the presence of specific factors, could, during transportation across Uzbekistan in accordance with the legislation of the Republic of Uzbekistan, or during shunting, loading, unloading or storage, cause an explosion, fire, or chemical or other pollution of the environment or damage to railway technical equipment or other railway installations or third persons with possible risk to human health or the environment;

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"emergency card" means a document used during an emergency that regulates the actions of railway and automobile company employees, as well as rescue teams responding to the consequences of transport accidents. Form of the document is determined in accordance with the laws of the Republic of Uzbekistan;

"transport accident" means an incident that took place as a result of railway or automobile transportation and which caused injury to human life or health and/or damaged the environment, or the property of physical or legal persons;

"oversize cargo" means cargo the size of which exceeds loading dimensions indicated in the Technical conditions for loading and strapping, Rules for stowage and strapping of loads in SMGS railway cars and containers, as well as other normative legal acts of the Republic of Uzbekistan depending

on the type of transportation mode.

¶12. Provisions of this exchange of letters are applied in relation to the transit of the cargo through the territory of the Republic of Uzbekistan, which is carried out for the Armed Forces of the United States of America deployed on the territory of Afghanistan.

¶13. The transit across the territory of the Republic of Uzbekistan of military forces or weapons, ammunition, equipment, and military materials listed in the Annex to this exchange of letters is not authorized.

¶14. It is the intent of the Participants that transit of the cargo across the territory of the Republic of Uzbekistan within the framework of this exchange of letters is to be conducted upon the basis of commercial agreements (contracts) concluded by expediting companies on behalf of the American Participant with the State Joint Stock Railway Company "Uzbekiston Temir Yullari" and the State Joint Stock Company for International Road Transport "Urta Osiyo Trans" as follows:

(1) Cargos are to be delivered to Navoi International Airport exclusively by aircraft of the civil air companies Uzbekistan Havo Yollari (Uzbekistan Airways) and Korean Air chartered by the American Participant. The further transportation of the cargos to Afghanistan (Khayraton railway station) through the border cross railway station Galaba and Ayratom check-point, is to be conducted exclusively by the rail and road transport provided by SJSRC "Uzbekiston Temir Yullari" or SJSIRT "Urta Osiyo Trans," as appropriate.

The transit of cargo by air from Navoi Airport to Afghanistan is not authorized.

(2) Transit of goods arriving from the territories of Kazakhstan (through the border cross railway stations Keles and Karakalpakiya) and Turkmenistan (through the border cross railway station Khodjadavlet) to Afghanistan (through the border cross railway station Galaba) is to be conducted by the rail transport provided by SJSRC "Uzbekiston Temir Yullari", as appropriate.

¶15. When conducting transit of goods, the American Participant and the expediting company are to make provision for compliance with the requirements of the Agreement on International Freight Traffic by Rail (SMGS), legislation of the Republic of Uzbekistan as well as other normative acts applied to the railways and roads, including the sanitary-epidemiologic standards, of the Republic of Uzbekistan.

¶16. Cargo transiting consistent with this exchange of letters is subject to border and customs control and registration in accordance with the legislation of the Republic of Uzbekistan.

¶17. (1) The transit of cargo is to be performed on the grounds of one-time transit authorization issued by the Ministry of Defense of the Republic of Uzbekistan in accordance with legislation of the Republic of Uzbekistan and as outlined in

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this exchange of letters. The authorization is to be canceled automatically in case of termination of this exchange of letters. In such case, shipping operations in progress are to be completed in accordance with the issued authorization.

(2) In order to obtain authorization of the transit, mentioned in the Item 1 of this Article the competent authorities of the American Participant are to send the request through the diplomatic channels to the Ministry of Defense of the Republic of Uzbekistan in Russian or in English language with the Russian translation attached. The request is to include the following information:

a) list of the transit cargo along with specification, country of origin, quantity in accepted measuring units, the Foreign Economic Activity Commodity Nomenclature code, and the purpose of transit;

b) scheduled transit dates and the names of consignor of goods and the authorized expediting company;

c) route, including the points of departure and destination, as well and the check points of the State Border of the Republic of Uzbekistan designated for the carrying out of customs and border procedures;

d) information:

aa) regarding the transit cargo:

dimensions, the weight;

if necessary, center of gravity coordinates;

contact surface characteristics, availability of sliding parts or units for fixing during transportation, cargo tightening and strapping;

drawings of oversized items of the cargo, and ways of transshipment, if necessary;

bb) regarding hazardous cargo:

name of the substance matter or product, number according to the UN list, packing materials information, transport emergency card availability;

in case if the substance matter or product are not in the UN list information as per the "Informational Passport to be Provided to the UN for Classification or Reclassification of Substances." (UN recommendations on hazardous cargo transportation);

e) document confirming that hazardous cargo is secured by guarantees in the form of insurance policy, bank guarantee or other indemnity to compensate possible damage to peoples' health or life, the environment or the national security of the Republic of Uzbekistan, while executing this exchange of letters;

f) should information contained in the request require verification, the American Participant is to immediately provide additional requested data required for granting authorization for transit;

g) additionally, the request is to contain information on the type of required freight cars, containers and trucks as well on strapping of the cargo being transported on the open and covered railway rolling stock in case of transshipment activities. While transporting hazardous cargo, the list of available fire-fighting, neutralizing and de-gassing equipment is required as well as the information on precautionary procedures for personal protection of escort/guard staff.

(3) Authorization of the transit granted by the Uzbek Participant is to include:

a) consent of the Uzbek Participant to the transit at the

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amount and in accordance with cargo nomenclature and specification, as well as with the period of time specified by the Uzbek Participant and conditions of performing the transit;

b) instructions on required escort and/or guard of the transported cargo;

c) the order of regulating other issues related to planning, organization and performing the transportation, in the competence of relevant authorities of the Uzbek Participant.

(4) Should there be no obstacles to conducting the transit, the Ministry of Defense of the Republic of Uzbekistan is to issue and forward the authorization to the American Participant not later than 30 days from the moment the request is received.

¶ 8. (1) The rolling-stock for transportation of the cargos on the railways and roads of the Republic of Uzbekistan is to be selected in accordance with the legislation of the Republic of Uzbekistan.

(2) The placement of cargo on the rolling-stock, as well as its strapping during the transshipment activities, are to be performed in accordance with the loading and strapping requirements effective on the rail ways of the Republic of Uzbekistan.

(3) Acting on behalf of the American participant, an expediting company is to provide strapping equipment at its own expense unless otherwise agreed to in each specific case.

¶ 9. (1) In order to proceed along the rail ways of the Republic of Uzbekistan, the cargo transit is to be documented by international rail road waybill in accordance with SMGS.

In order to use the automobile roads of the Republic of Uzbekistan, the cargo transit is to be documented by an international road waybill in accordance with the Convention on the Contract for the International Carriage of Goods by Road dated May 19, 1956, and its Protocol dated July 5, 1978.

(2) The transportation of hazardous cargo is to be performed by the expediting company in accordance with the rules for transportation of hazardous cargo established by the legislation of the Republic of Uzbekistan, and SMGS.

Loading and unloading operations processing of transportation documents of materials arriving by air to Navoi International Airport, and transferring by ground to Afghanistan as well as transit of materials proceeding from the territory of Kazakhstan and Turkmenistan to Afghanistan is to be implemented by expediting companies authorized by the American Participant.

¶ 10. Measures for the prevention and management of traffic accidents related to the transit of materials, as well as determination of the cause, are to be implemented by the competent authorities of the Republic of Uzbekistan within the framework of its competence and with notification to the American Participant.

¶ 11. Claims for damages arising from shipments by the expediting company that are governed by contracts done within the framework of this exchange of letters are to be adjudicated in accordance with the legislation and regulations of the Republic of Uzbekistan.

¶ 12. (1) Cost for railway services for transportation of transit export cargo across the territory of the Republic of Uzbekistan is to be established in accordance with rates of the International Railway Transit Tariff (IRTT).

Cost for automobile services for transportation of transit and export cargo across the territory of the Republic of Uzbekistan is to be established by the expediting companies and companies providing road transport services in the Republic of Uzbekistan.

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(2) Cost calculations for the transportation of cargo as well

as other services are to be conducted between the expediting company acting on behalf of the American Participant and the State Joint-Stock Railway Company "Uzbekiston Temir Yullari" (rail transit) or State Joint-Stock Company of International Automobile Transport "Urta Osoy Trans" (road transit) consistent with the agreed conditions and the legislation of the Republic of Uzbekistan.

¶13. Uzbek Participant is to take all the required measures on the territory of the Republic of Uzbekistan to ensure safety of cargo transit and is to render assistance in transit in accordance with legislation of the Republic of Uzbekistan.

¶14. The provisions of this exchange of letters shall in no way affect existing agreements to which the Republic of Uzbekistan and the United States of America are parties.

¶15. The Republic of Uzbekistan may support expediting companies acting on behalf of the American Participant in obtaining non-military items/materials on the territory of the Republic of Uzbekistan for the Armed Forces of the United States of America in Afghanistan on agreement (contract) basis in accordance with the legislation of the Republic of Uzbekistan.

¶16. Disputes which may appear as a result of application or interpretation of this exchange of letters are to be solved via consultations and negotiations between the Participants.

¶17. Issues arising from the expediting company's shipment of cargo under this exchange of letters are to be regulated consistent with the legislation of the Republic of Uzbekistan.

¶18. The Participants may modify this exchange of letters through a subsequent exchange of letters.

¶19. In case of force majeure circumstances, each Participant may notify the other Participant in writing that it will no longer consider the arrangement effective as of the date 90 days following the date of the notice.

I have the honor to request that if the foregoing is acceptable to you that your affirmative response constitute an arrangement which is to be effective upon date of your response letter and is to remain effective for one year, subject to paragraph 19.

Yours sincerely,

Minister

ANNEX

LIST OF WEAPONS, MUNITIONS, EQUIPMENT AND MILITARY GOODS EXCLUDED FROM THE AUTHORIZED COMMERCIAL TRANSIT

The following categories of items, including all their subcategories are prohibited from commercial transit.

360100 000 0 - Gunpowder

360200 000 0 - Military explosives other than gunpowder

360300 - Common fuses, detonating fuses, percussion and detonating caps, primers, electric detonators

3604 - Signal flares, emergency flares, antimist rockets and other pyrotechnic items

8526 - Radar, radio-navigation apparatus and radio devices for remote control of weapons and equipment and remote command and control of troops

871000 000 0 - Tanks and other self-propelled armored combat vehicles with or without weapons, and spare parts for them

8802 - Aircraft (helicopters and airplanes), spacecraft

(including satellites) and suborbital and space carrier vehicles

8906 - Military and rescue vessels, military support vessels other than rowing boats

9013 - Telescopic sights for weapons, periscopes, telescopes manufactured as parts of vehicles or other optical devices usable with weapons if such devices are not mounted on firearms or are not accompanied by the firearms on which they are to be mounted; laser sights usable with weapons if these sights are not mounted on firearms or are not accompanied by the firearms on which they are to be mounted

9301 - Military weapons, except revolvers and pistols and weapons listed under paragraph 9307 of the Foreign Economic Activity Goods Classification

930200 000 0 - Revolvers and pistols apart from those listed under paragraphs 9303 and 9304 of the Foreign Economic Activity Goods Classification

9303 - Firearms and other devices activated by an explosive charge

9305 - Spare parts for items listed under paragraphs 9301-9303

9306 - Bombs, grenades, torpedoes, mines, missiles, and similar combat devices, their parts, cartridges, shells, other munitions and their parts, including small shot and cartridge wadding and cartridges for smooth-bore weapons and their parts.

END TEXT OF LETTER

¶4. (U) Please direct questions to Mr. Clark Adams, Director for Central Asia (703-697-1795), or Ms. Tressa Guenov, Country Director for Uzbekistan and Turkmenistan (703-697-1862), Office of the Under Secretary of Defense for Policy.
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